

AMENDMENT UNDER 37 C.F.R. §1.115  
U.S. Appln. No. 08/945,089

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mold carriers (3) and the quick-screwing means are located on the opposite side.

REMARKS

Allowance of this application, as amended, is respectfully requested.

Attached hereto please find enclosed herewith the English translation of the abstract of disclosure. This correction meets the requirements of 37 CFR § 1.72(b).

The Examiner's acknowledgement of Applicant's claim for priority, and receipt of the priority document from the International Bureau are noted.

In response to the objection to the drawings, a further drawing page is being submitted separately in accordance with MPEP § 608.02 which contains new figure 4 in which the O-ring seal is shown. A preferred embodiment for the pressure compensation means of the instant invention is a chamber and O-ring seal.

A. Rejection of claims 1-13 under 35 USC § 112.

The Office Action indicates that Claims 1-13 are indefinite because in the present instance, Claim 1 recites the broad recitation of containers, and the claim also recites in particularly bottles which is the narrower statement of the range/limitation.

In response, Claim 1 has been amended for clarity to delete the reference to bottles. Applicants do not intend to surrender

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this subject mater (bottles) from Claim 1 and any appropriate dependent claim.

The Office Action also indicates that on line 3 of Claim 10, the phrase "jackknife"-type mold is indefinite, and that the word "type" when appended to an otherwise definite expression extends the scope of expression to render it indefinite.

The phrase "in order to form a "jackknife"-type mold" has not been deleted from the claims again for clarification purposes. Applicants also do not intend to surrender this subject matter (jackknife-type molds), the meaning of which would be apparent to one skilled in the art from Claim 10 or any other claim, as appropriate.

Applicant's respectfully submit that rejection of the claims are obviated in view of the aforementioned amendments.

B. Rejection of Claims 1,2,4,7,8 and 13 under 37 CFR 103(a) in view of Appel et al. ("Appel", 4,072,456) in combination with Schavoir (1,409,591).

The Office Action states that Claims 1,2,4,7,8,and 13 are rejected over the combination of Appel and Schavoir because it would have been obvious to modify the apparatus of Appel by having an insert in thermal conduction contact with a mold support by quick fixing means as disclosed by Schavoir. Accordingly, the thermal conduction contact provides a much cleaner operation than the cooling channel of Appel which must be emptied of liquid before

exchanging inserts. Further, it would have been obvious to use the quick fixing means to decrease the down time of the apparatus while changing mold inserts to form differently shaped articles.

The rejection of claims 1,2,4,7,8, and 13 as being unpatentable over Appel in view of Schavoir is respectfully traversed. Applicant's submit that not only does the presently claimed invention patentably distinguish over each of the cited references, but that the applied combination does not render obvious the presently claimed invention. The difference between the disclosures of the cited references and the presently claimed invention, are discussed in further detail.

To properly establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Additionally, the references, when combined, must teach or suggest all of the claims limitations. Finally, the teaching or suggestion to modify the reference must be found in the prior art, and not based on the applicant's disclosure.

Amended claim 1 defines a structure provided with mold carriers 3 which envelop or surround shell holders 9, wherein mold-carriers 3 are movable one with respect to the other, and in which shell holders 9 support a shell 7.

Furthermore, shells 7 and respective shell holders 9 are arranged as mentioned in lines 15-20 of present claim 1.

In contrast, APPEL recites a structure in which mold-carriers 43, 44 (see fig.12) are movable one with respect to the other due to associated axis 118, 119 and arms 120, 121, and in which said mold-carriers carry respective half-molds. Furthermore, fluid flows are provided between each mold-carrier and the respective half-mold.

Consequently, APPEL does not teach or suggest a device with mold-carriers which sound respective shell holders.

Moreover, even if one imagines that elements 43, 44 in APPEL are shell holders, that elements, 130, 131 are shells and that elements (axis and arms 118-121) are mold-carriers, such an argument would be erroneous from a structural point of view. This is true for at least the reason that the above mentioned elements are obviously pivot elements corresponding to axis 4 of the present invention.

Moreover, even assuming arguendo that rods 118-119 are mold-carriers, said rods are surely not surrounding elements, and they cannot provide rigidity, contrary to standard mold-carriers.

In view of the foregoing, Applicants respectfully submit that the present claimed invention is not anticipated or rendered prima facie obvious by Appel.

Schavoir recites only a complicated mold carrier structure (provided with chambers, groove,...) in which molds 22 are carried. Consequently Schavior corresponds to a substantially classical apparatus, and does not rectify the deficiencies noted above in Appel.

In sum, neither Appel nor Schavoir teach or suggest a device including a three-part structure, i.e., including

- an enveloping mold carrier
- a shell holder
- a shell.

Accordingly, Applicants respectfully submit that the present claimed invention is not anticipated or rendered prima facie obvious by Appel and/or Schavoir.

C. Rejection of Claims 5 and 6 under 37 CFR 103(a) in view of Appel et al. (4,072,456) in combination with Schavoir (1,409,591) and Turner et al. ("Turner", 3,753,641).

The Office Action indicates that the combination of Appel and Schavoir disclose all claimed features except for the use of positioning means between the shell and mold. The Examiner relies on Turner for disclosing a blow mold having a shell (21) and a supporting mold (10) wherein a ledge as shown in figure 2 positions the parts in respect to one another.

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Applicant's submit that the instant claims are not obvious in view of the combined art teachings of Appel and Schavoir, and that the deficiencies of the combined art are not overcome by the Examiner's reference to Turner. Accordingly, withdrawal of this rejection is requested.

D. Rejection Claim 11 under 37 CFR 103(a) in view of Appel et al. (4,072,456) in combination with Schavoir (1,409,591) and Abramam (5,332,384).

The Office Action indicates that the combination of Appel and Schavoir disclose all claimed features except for the means for guiding the mold halves together. The Examiner relies on Abramam for disclosing such means (20, 30) for aligning opposing mold halves.

Applicant's submit that the instant claims are not obvious in view of the combined art teachings of Appel and Schavoir, and that the Examiner's further reference to Abramam does not overcome the deficiencies of their disclosures. Accordingly, withdrawal of this rejection is requested.

Applicant's respectfully submit that in view of the amendments to the claims and the foregoing remarks and analysis, the claims presently pending in the application comply with all statutory requirements, and are now in condition for immediate allowance. Early favorable action is earnestly solicited.

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An inquiry concerning this communication should be directed to  
the undersigned at the telephone number listed below.

Respectfully submitted,



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